

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD STOYKO,

Plaintiff,

No. C 02-2640 JSW

v.

ORDER UPON REMAND

KEMPER INSURANCE COMPANY;
FEDERAL EXPRESS LONG TERM
DISABILITY,

Defendants.

On September 23, 2003 this Court granted the motion for summary judgment filed by Defendants and denied plaintiff Richard Stoyko's motion for summary judgment. On February 25, 2005, the Ninth Circuit reversed this Court's grant of summary judgment for Defendants and denial of Stoyko's cross-motion, and remanded the above-captioned matter for further proceedings consistent with its order. The Ninth Circuit issued its judgment in this matter on May 6, 2005. Upon remand from the Ninth Circuit, the Court HEREBY GRANTS Stoyko's motion for summary judgment and DENIES Defendants' motion for summary judgment.

IT IS SO ORDERED.

Dated: July 15, 2005

/s/ Jeffrey S. White
JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE